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13 Attorneys for Defendant
PATRIOT SCIENTIFIC CORPORATION

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 SAN JOSE DIVISION

17 ACER, INC., ACER AMERICA
18 CORPORATION and GATEWAY, INC.,
19 Plaintiffs,
v.
20 TECHNOLOGY PROPERTIES LIMITED,
21 PATRIOT SCIENTIFIC CORPORATION, and
ALLIACENSE LIMITED,
22 Defendants.

Case No. 5:08-cv-00877 JF

**STIPULATION AND
[PROPOSED] ORDER
REGARDING DEFERRAL OF
HEARING ON MOTION TO
DISMISS AND CASE
MANAGEMENT CONFERENCE
UNTIL SEPTEMBER 19, 2008**

23
24 WHEREAS, Plaintiffs Acer, Inc., Acer America Corporation, and Gateway, Inc.
25 (collectively, "Plaintiffs") filed a complaint in the present action against Defendants Technology
26 Properties Limited ("TPL"), Patriot Scientific Corporation ("Patriot"), and Alliacense Limited
27 (collectively, "Defendants") for declaratory judgment of patent noninfringement and invalidity of

1 U.S. Letters Patent Nos. 5,809,336 ("the '336 patent"), 5,784,584 ("the '584 patent"), 5,440,749
 2 ("the '749 patent");

3 WHEREAS, Defendants TPL and Patriot filed complaints for patent infringement as to
 4 these three patents and U.S. Letters Patent No. 6,598,148 ("the '148 patent") in the Eastern
 5 District of Texas, Case Nos. 2-08cv-173 and 2-08cv-176 (TJW);

6 WHEREAS, on June 4, 2008 Defendants TPL and Patriot filed a complaint for patent
 7 infringement against Plaintiffs for alleged infringement as to U.S. Patent No. 5,530,890 ("the
 8 '890 patent") in the Eastern District of Texas, Case No. 2:08-cv-228 (TJW);

9 WHEREAS, Defendants filed a motion to dismiss or in the alternative to transfer the
 10 action to the Eastern District of Texas, which is currently scheduled for hearing on August 29,
 11 2008;

12 WHEREAS, the parties' Case Management Conference is currently scheduled for August
 13 29, 2008;

14 WHEREAS, on August 12, 2008, the Court entered an order in related case numbers 5:08-
 15 cv-00882 and 5:08-cv-00884, scheduling the Motion to Dismiss hearings and Case Management
 16 Conferences in those actions for September 19, 2008; and

17 WHEREAS, the parties agree that judicial economy would be best served by conducting
 18 all three related Motion to Dismiss hearings and Case Management Conferences on the same day;

19 IT IS HEREBY STIPULATED THAT:

20 (1) The August 28, 2008 Hearing on Defendants' Motion to Dismiss and Case
 21 Management Conference is hereby deferred to September 19, 2008.

22 Dated: August 14, 2008

KIRKPATRICK & LOCKHART PRESTON
 23 GATES ELLIS LLP

24 By: /s/ Timothy P. Walker
 25 Timothy P. Walker

26 Attorneys for Plaintiffs ACER, INC.,
 27 ACER AMERICA CORPORATION and
 GATEWAY, INC.

28 *[SIGNATURES CONTINUED ON NEXT PAGE]*

1 Dated: August 14, 2008

FARELLA BRAUN & MARTEL LLP

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By: /s/ John L. Cooper
John L. Cooper

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Attorneys for Defendants
TECHNOLOGY PROPERTIES LIMITED
and ALLIACENSE LIMITED

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8 Dated: August 14, 2008

KIRBY NOONAN LANCE & HOGE, LLP

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By: /s/ Charles T. Hoge
Charles T. Hoge

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Attorneys for Defendants
PATRIOT SCIENTIFIC CORPORATION

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PURSUANT TO STIPULATION IT IS SO ORDERED:
Dated: _____

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The Honorable Jeremy Fogel
United States District Court Judge

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